

Question of Privilege

him that a substantive motion be introduced by the government authorizing me to attend before the commission.

Some hon. Members: Oh, oh.

Mr. Nielsen: Members opposite view this matter lightly but I submit to you, sir, that it is serious. I want to do things in a proper manner and in accordance with the rules, and I am sure that members will appreciate the proprieties involved here. It will not take much effort to prepare a motion to which I am sure all hon. members would agree, authorizing me to appear and giving me that special leave referred to in the rules to discuss matters which have been raised in the house.

I put this question before you, sir. I believe it is the responsibility of the government to introduce such a motion. It may well be that other procedures are available, but my own research of the rules does not indicate this to be so.

Hon. G. J. McIlraith (President of the Privy Council): Mr. Speaker, it is quite clear, of course, that the hon. member is free to attend and give evidence if he wishes, and that he requires no authority from the house to do so. The liberty of a member referred to here has to do with his liberty to give evidence in relation to the debates and proceedings of parliament. Since this citation was developed, a system has been instituted, of course, of recording the debates of parliament and taking judicial notice of *Votes and Proceedings* and the actions of parliament. From the letter that was read, I am quite sure the hon. member is not being called to testify about proceedings in parliament. I think the reading of the letter made that quite clear.

Mr. Starr: Let us have a better reason than that.

Mr. McIlraith: There is nothing put forward in the hon. member's statement that would indicate that he is being called as a member of parliament to give evidence as to proceedings that have taken place in the house. I just want to draw that to your attention, Mr. Speaker, before you deal with this matter.

Mr. Nielsen: Mr. Speaker, I am sure the President of the Privy Council has overlooked the middle paragraph of the letter I read to the house, which states as follows:

It appears in the reports of the House of Commons debates that Mr. Nielsen has stated that he has further information about the things that we are dealing with at the inquiry and that he would be willing to appear before the commission.

I raise this question seriously, Mr. Speaker. I have already indicated that I am quite wil-

ling and not at all reluctant—I said so in the house and I say so again—to appear before the commission; but from my research of the rules I think the privileges of the house and the institution of parliament require a certain procedure to be taken. If my understanding of the rules is correct, and if I am asked questions at the inquiry relating to the debates in the house, which is indicated quite clearly in the letter to be the intention of commission counsel, I would feel constrained to say “I am sorry, I have not got the special leave which is required by our rules to discuss these matters with you”.

I am willing to appear. I am not reluctant in any way. All I ask is that the appropriate motion be introduced to give me the special leave that the rules require me to obtain before I do appear.

Mr. McIlraith: Mr. Speaker, I understood the letter the first time exactly as it was quoted the second time, and I point out that it is made clear by counsel that what he is concerned about is further information the hon. member may have beyond that which he gave in the house.

Right Hon. L. B. Pearson (Prime Minister): Mr. Speaker, I think all the hon. gentleman has to do is to get up now and ask for leave to appear before the commission.

Mr. Nielsen: If that is the interpretation of the rules, that this house can give me unanimous consent, I do so immediately—

Some hon. Members: Agreed.

Mr. Nielsen:—but I suggest to you, sir, and I suggest to the Prime Minister, that there is something deeper involved here with respect—

Some hon. Members: Oh, oh.

Mr. Nielsen:—with respect to the rules of the house. As I read the rules a substantive motion must be introduced and, in this way, leave of the house given—

Some hon. Members: You have got it.

Mr. Nielsen:—in that motion. It is no good for members to say “You have got it”. I suggest, sir, that is the proper course for the government to follow. If the government does not take its responsibilities in this regard, and if no member is going to contradict my understanding of the rules in a substantive way, then it would be my intention next Monday to move such a motion, because I think it is necessary.